IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 24918 of 1997

Dated 6th March, 2007

Between
Smt. Rudrapati Anasuyamma and ors

…Petitioner

and

The District Collector, Nellore, and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 24918 of 1997

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the respondents in interfering with their possession over the land totally admeasuring Ac.30.00 covered by Sy. Nos. 12 and 13 of Mattempadu village in Nellore Mandal & District.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioners purchased the above said land by registered sale deeds dated 19-3-1997, 22-3-1997, 19-3-1997, 22-3-1997 and 19-3-1997 respectively from their vendors, who earlier purchased the above said lands from the pattadars, who were granted Ryotwari pattas under the provisions of the Andhra Pradesh (Andhra Area) Inams(Abolition and Conversion into Ryotwari) Act 1956, (for short 'the Act). It is further

stated that earlier, orders were passed by the Commissioner, Survey, Settlements and Land Records setting aside the pattas issued under the said Act and the matter was remanded to the primary authority, i.e. Mandal Revenue officer for fresh consideration. It is stated that the enquiry is still pending before the primary authority.

At the stage of admission, this Court by order dated 30-9-1997 directed to maintain status quo.

Counter affidavit is filed on behalf of the respondents, stating that the Inam Deputy Thahasildar, during the year 1993, had granted ryotwari pattas irregularly to the encroachers of the land in Sy.Nos. 12 and 13. As the said encroachers are not eligible for grant of pattas, the Commissioner, Survey, Settlements and Land Records, by order dated 9-3-1993 in case Nos. V/1566/1988, V1/1454/1989, and V1/1/1993, set aside the pattas issued by the Inam Deputy Tahsildar. While admitting that the enquiry initiated under the Andhra Pradesh (Andhra Area) Inams(Abolition and Conversion into Ryotwari) Act 1956 is still pending, it is stated that as much as the petitioners have purchased the lands in question in the year 1997, they will not derive any lawful title and ownership from their vendors.

In this case it is not in dispute that the Inam Deputy Tahsildar had granted pattas in the year 1983 by invoking the provisions under the Andhra Pradesh (Andhra Area) Inams(Abolition and Conversion into Ryotwari) Act 1956. But, however, the Commissioner, Survey, Settlements and Land Records, by order dated 9-3-1993 in case Nos. V/1566/1988, V1/1454/1989, and V1/1/1993, set aside the pattas issued by the Inam Deputy Tahsildar and remanded the matter to the Mandal Revenue Officer for fresh disposal. As much as the petitioners

have purchased the land in question by registered sale deeds from the original pattadars, and, further it is stated in the counter affidavit that enquiry is still pending , I dispose of the Writ Petition directing the respondents to maintain status quo with regard to possession of the land in question till appropriate orders are passed by the primary authority pursuant to the orders of the Commissioner, Survey, Settlements and Land Records in case Nos. V/1566/1988, V1/1454/1989, and V1/1/1993, dated 9-3-1993. However, as counter affidavit was filed in the year 2002, if any orders are passed by the primary authority consequent to the orders dated 9-3-1993 passed by the Commissioner, Survey, Settlements and Land Records, it is open for the respondents to take steps in accordance with such orders, as per law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 06-03-2007.
Msnr.